

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

THE TEXAS GENERAL LAND OFFICE; §
and GEORGE P. BUSH, in his official §
capacity as Commissioner of the Texas §
General Land Office, §

Plaintiffs, §

VS. §

JOSEPH R. BIDEN, in his official capacity §
as President of the United States of §
America; UNITED STATES §
DEPARTMENT OF HOMELAND §
SECURITY; and ALEJANDRO §
MAYORKAS, in his official capacity as §
Secretary of the United States Department §
of Homeland Security, §

Defendants. §

THE STATE OF MISSOURI; and THE §
STATE OF TEXAS, §

Plaintiffs, §

VS. §

JOSEPH R. BIDEN, JR., in his official §
capacity as President of the United States of §
America; THE UNITED STATES OF §
AMERICA; ALEJANDRO MAYORKAS, §
in his official capacity as Secretary of the §
United States Department of Homeland §
Security; UNITED STATES §
DEPARTMENT OF HOMELAND §
SECURITY; TROY A. MILLER, in his §
official capacity as the Acting §
Commissioner of United States Customs §
and Border Protection; and UNITED §

CIVIL ACTION NO. 7:21-cv-00272

CIVIL ACTION NO. 7:21-cv-00420

(Formerly
CIVIL ACTION NO. 6:21-cv-00052)

STATES CUSTOMS AND BORDER	§
PROTECTION,	§
	§
Defendants.	§

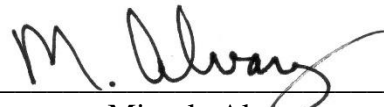
ORDER

The Court now considers this case. As the parties are aware from having repeatedly debated the case in their briefing,¹ the Fifth Circuit's holding in *Texas v. Biden*, 20 F.4th 928 (5th Cir. 2021) pertains to crucial aspects of this case including Plaintiffs' Article III standing and the judicial reviewability, under administrative law, of the federal agency actions and statements regarding the United States–Mexico border policy at issue in this case.

On February 18, 2022, the United States Supreme Court granted a writ of certiorari to review the Fifth Circuit's holding in *Texas v. Biden*, with oral argument to be heard in April 2022.² In light of this important development which will inevitably impact this case, the Court **CANCELS** the initial pretrial and scheduling conference previously scheduled for April 19, 2022,³ and **STAYS** the parties' deadline to file their joint discovery/case management plan. The Court also **STAYS** its consideration of the pending motions to dismiss,⁴ and the motion for a preliminary injunction,⁵ until after the Supreme Court issues its opinion in *Biden v. Texas* or further order of this Court. The Court further **ORDERS** the parties, within fourteen days after the issuance of the Supreme Court's opinion in *Biden v. Texas*, No. 21-954, to file supplemental briefs of no greater than 10,000 words, including footnotes and all other text, expatiating on how the Supreme Court's opinion impacts all of the party's positions and arguments hitherto made in the briefing in this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 22nd day of February 2022.



Micaela Alvarez
United States District Judge

¹ See, e.g., Dkt. No. 24 at 29, ¶ 43; Dkt. No. 35 at 27, ¶ 34; Dkt. No. 36 at 33, ¶ 43; Dkt. No. 37 at 5; Dkt. No. 39 at 38, ¶ 68.

² *Biden v. Texas*, No. 21-954, 2022 WL 497412 (U.S. Feb. 18, 2022).

³ Dkt. No. 33 at 3.

⁴ Dkt. Nos. 35–36.

⁵ *Missouri v. Biden*, No. 7:21-cv-00420 (S.D. Tex. Nov. 8, 2021), Dkt. No. 19.